

ELECTION LAWS.

Printed by Authority for the Convenience of Inspectors, Judges, Clerks, and Voters, at the General Election,

November 8th, 1870.

Sec 1. THERE shall be held throughout the Territory, on the first Wednesday in June of each year, an election for members of the Legislative Assembly, and such officers as may be required by law to be chosen at such election, to be called the general election: Provided that members of Legislative Council shall be elected for two years.

OF THE DISABILITIES AND QUALIFICATIONS OF ELECTORS.

Sec 6. Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States under the treaty of peace exchanged and ratified at Quinto on the 30th day of May, 1848, and the Gadsden treaty of 1854, of the age of twenty-one years, who shall have been a resident of the Territory six months next preceding the election, and the county or precinct in which he claims his vote ten days, shall be entitled to vote at all elections which are now, or hereafter may be, authorized by law.

Sec 7. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence in the service of the United States, nor while engaged in the navigation of the waters of this Territory, or of the United States, or of the high seas; nor while a student of any university of learning; nor while kept at any almshouse or other asylum; while confined in any public prison.

Sec 8. No idiot or insane person, or person convicted of any infamous crime shall be entitled to the privilege of an elector. A crime shall be deemed infamous which is punishable by death, or by imprisonment in the State Prison.

Sec 9. Absence from this Territory on business of the Territory, or of the United States, shall not affect the question of residence of any person.

OF THE PLACE OF HOLDING ELECTIONS.

Sec 10. The election shall be held in each precinct, as directed by law. Provided that any precinct containing over four hundred voters may be divided by the board of county commissioners and an election held in each.

OF INSPECTORS, JUDGES AND CLERKS.

Sec 11. The justice of the peace in each precinct, and two qualified electors of such precinct, shall constitute a board of judges of election. The justice shall be chairman of the board, if present; if not, the board shall appoint a chairman from their own number, who shall have power to fill any vacancy that may occur in said board.

Sec 12. It shall be the duty of each inspector to be at the place where the polls are to be opened, in the precinct for which he is appointed, from eight o'clock in the morning until sunset, on the day of the election. Should such inspector not appear at eight o'clock in the morning, the electors present at the place where the polls are to be opened may appoint an inspector for the precinct.

Sec 13. The board of inspectors for each precinct shall at five o'clock of opening the polls, appoint two suitable persons to act as clerks.

Sec 14. Before any election shall be opened the inspectors, judges and clerks shall each take an oath to administer oaths, take an oath that he will faithfully and impartially discharge the duties assigned him by law. If there is no person present authorized to administer oaths, the inspectors shall administer the same to the judges and clerks, and one of the judges shall then administer the oath to the inspector.

OF OPENING THE POLLS.

Sec 15. At all elections the polls shall be opened at eight o'clock in the morning and shall continue open until sunset, at which time the judges shall close the polls. Provided, that the judges of the election may take a recess of one hour at any time they may think proper during the day, before three o'clock in the afternoon.

Sec 16. The board of judges, before they commence receiving ballots, shall cause it to be proclaimed aloud at the place of voting that the polls are opened.

OF VOTING.

Sec 17. The voting shall be by a ballot. The ballot shall be a paper ticket containing the names of the persons for whom the elector intends to vote, and designating the office to which each person so named is intended by him to be chosen.

Sec 18. Whenever any person offers to vote, the inspector shall pronounce his name in an audible voice, and if there be no objection to the qualification of such person as an elector, shall receive his ballot, and in the presence of the other judges, put the same, without being opened or examined, into the ballot box.

Sec 19. The name of each elector whose ballot has been thus received, shall be immediately entered by each clerk in the column, of his poll list, headed "names of voters," numbering each name in the additional column, as it is taken down, so that it may be seen at any time whether the two lists agree.

Sec 20. Any person offering to vote may be challenged, as unqualified by the inspector or either of the judges, or by any legal voter; and it shall in all cases be the duty of the inspector and each of the judges to challenge any person offering to vote whom he shall know or suspect not to be duly qualified as an elector.

Sec 21. When any person offering to vote is challenged, it shall be the duty of the board of judges to decide upon the qualifications of an elector.

Sec 22. If such person shall still insist that he is entitled to vote, and the challenge shall not be withdrawn, the board of judges, in their discretion, may administer an oath or affirmation to the voter: "You do swear (or affirm) that you will support the constitution of the United States and the laws of this Territory; that you will be faithful and all games bear to the same, and defend them against all enemies whatsoever; that you are a citizen of the United States; that you are of the age of twenty-one years, according to the best of your information and belief; that you have resided in this Territory six months next preceding this election, and in this county (or precinct as the case may be) ten days, and that you have not before voted this day."

Sec 23. If the person thus challenged shall take the oath or affirmation to him by the board of judges, he shall be admitted to vote, and it shall not be lawful for him to make any objection or affidavit, for said board to examine any witness touching his want of qualifications; but if he shall refuse to take the oath or affirmation so tendered to him, his vote shall be rejected.

Sec 24. If the vote of any person be challenged on the ground that he has been convicted of an infamous crime, or disqualified by any court of competent jurisdiction, he shall not be required to answer any questions respecting such alleged conviction; and in the absence of any authenticated record of such facts, it may be competent for two disinterested witnesses upon oath to prove the same.

Sec 25. When the polls are closed, proclamation thereof shall be made at the place of voting, and no vote shall be afterwards received.

OF COUNTING AND RECEIVING VOTES.

Sec 26. As soon as the polls are closed on the afternoon of the day of election, the judges shall open the ballot box and commence counting the votes, and in no case shall the ballot box be removed from the room in which any election may be held, until all the ballots are counted; the counting of the ballots shall in all cases be public. The ballots shall be taken out carefully, one by one, by the chairman or one of the judges, who shall open them, and read aloud the name of each person contained therein, and the officer for which every such person is voted for. Each clerk shall write down each name to be filled and the name of each person voted for such office, and shall keep the number of votes by tallies, as they are read aloud by the chairman or judge. The counting of the votes shall be continued without adjournment until all are counted.

Sec 27. If two tickets are folded together, they shall both be rejected; and if more persons are designated on any ticket for any office than are to be elected for such office, such part of the ticket shall not be counted for any of them, but no ticket shall be lost for want of form if the board of judges can determine to their satisfaction the person voted for and the office intended.

DECLARING THE RESULT OF ELECTIONS.

Sec 28. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll list and tally, or attached thereto, stating the number of votes each person voted for has received, and designating the office to fill which he was voted for, which number shall be written in words at full length. Each certificate shall be signed by the clerks, the judges and inspectors; one of said certificates with the poll list and tally list to which it is attached, shall be retained by the inspector and preserved by him at least six months. The ballot shall be preserved by the judges or chairman. The other of the certificates, with the poll list and tally paper, to which it is attached, shall be kept by the inspector, and endorsed "election returns," and be directed and delivered, or sent by the chairman to the county recorder of the county in which the election is held.

Sec 29. The said package shall be delivered to the county recorder by one of the judges or clerks of election in person or may be sent by private hand, or by mail, if sent by private hand, the person delivering it shall, before the county clerk takes and subscribes an affidavit that the package was delivered to him by one of the judges (naming him), that it has not been out of his possession, since it was received, and has undergone no alteration while in his possession. The affidavit shall be endorsed on the package. If sent by mail it shall be mailed by one of the judges, and the postmaster shall make an affidavit that he received it from one of the judges, (naming him.)

Sec 30. No tally paper, poll list or certificate, returned from any election, shall be set aside or rejected for want of form; nor on account of its not being strictly in accordance with the directions of this act, if the same can be satisfactorily understood.

Sec 31. On the fourth day after the day of election, or as soon as he shall have received the returns from each precinct of the county, if he receive them within that time, the county recorder shall proceed to estimate the vote of the county, a statement of which shall be drawn up, and signed by him. The statement shall contain the names of the persons voted for; the office to fill which each person was voted for; the number of votes given at each precinct to each of such persons, and the number of votes given to each in the county; and the same shall be filed, together with the returns from each precinct, in his office.

Sec 32. The person having the highest number of votes given for each office to be filled by the vote of a single county, shall be declared elected; and the county recorder shall immediately make out and deliver, or send to him, a certificate of election, signed by said recorder, and authenticated by the seal of his office.

THE ELECTION OF COUNTY RECORDERS.

Sec 33. When a county recorder is to be elected the judges of election shall examine the returns so soon as they are filed, and issue to the person chosen a certificate of election, in the form prescribed in the preceding section.

OF THE ELECTION OF TERRITORIAL OFFICERS.

Sec 34. When there is no office voted for where chosen by the qualified electors of the Territory, it shall be the duty of the county recorder, as soon as the statement of the vote of his county is made out, as required in section thirty-one of this chapter, to copy thereon so much as relates to the votes given for such offices, certify to the correctness thereof under his hand and seal of his office and transmit the same to the secretary of the Territory, endorsing on the package the words "election returns." On the sixth day after the day of election, or as soon as the returns shall have been received from all the counties of the Territory, if received within that time, the secretary of the Territory shall compare and estimate the vote and declare the person elected, and make out and file in his office a statement thereof, a certified copy of which shall be transmitted to the person so ascertained to be elected, which shall be a sufficient commission.

Sec 35. No certificate shall be withheld on account of any defect or informality in the return of any election, if it can with reasonable certainty be ascertained from such return what office is intended, and who is entitled to such certificate; nor shall any commission be withheld by the governor on account of any such defect or informality of any returns made to the office of the secretary of the Territory.

OF THE DELEGATE.

Sec 36. When elections are held for delegates in congress, the county recorder of each county shall make his returns thereof in the manner prescribed in this chapter to the secretary of the Territory, on the fourth day after the day of election, or as soon as the returns shall have been received from all the counties of the Territory, the secretary shall compare and estimate the vote given for such delegates, and certify to the governor the person having the highest number of votes, and shall thereupon, on the day of the governor to give such person a certificate of his election, sealed with the seal of the Territory. Thereupon all of elections for officers chosen by the qualified electors of the Territory, which are required by this chapter to be transmitted to the secretary of the Territory shall likewise be opened on the sixth day after the day of election, or as soon as the returns shall have been received from all the counties of the Territory, if received within that time.

Sec 37. If any person shall directly or indirectly use any threats, menace, or force, or any corrupt means or device, at or previous to, any election held pursuant to this chapter, to intimidate, hinder, or deter him from voting at such election; or shall attempt by any means whatever, to awe, restrain, hinder, or disturb any elector in the free exercise of the right of suffrage, he shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars.

Sec 38. If any person shall furnish any elector wishing to vote at any election held pursuant to the provisions of this chapter, who cannot read, with a ticket, such person informing or giving such elector to understand that it contains a name or names written or printed thereon, for whom such person wishes to vote, but that such ticket contains no such names, such person shall, upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars.

Sec 39. If any person shall find and any elector at any such election by deceiving and causing him to vote for a different person for any office than such elector desired or intended to vote for, or shall fraudulently attempt to deceive, and cause any elector to vote for a different person for any office than such elector intended to vote for, such person, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars.

Sec 40. If any person not having the legal qualification of an elector, shall fraudulently vote or shall fraudulently attempt to vote at any election, such person, upon conviction thereof, shall be fined in any sum not less than twenty nor more than two hundred dollars.

Sec 41. If any elector shall vote more than once at any election, or shall knowingly fraud in two or more tickets folded together, or shall attempt to vote more than once at the same election, he shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars.

Sec 42. If any inspector, judge, or clerk of any election, while acting as such, shall induce or attempt to induce any elector, either by menace or reward or promise thereof, to vote differently from what such elector shall desire to vote, such person so offending shall, upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars.

Sec 43. If any chairman, judge or clerk of any election, shall, previous to putting in the ballot of any elector in the ballot box, attempt to pry into or find out any name or names on such ballot which shall have been handed in by said elector in a folded form; or if any inspector, judge or clerk of any election shall open, or suffer the folded ballot of any elector which has been handed in to the board of judges to be opened or examined into previous to putting the same into the ballot box; or if any inspector, judge, or clerk, of any election, shall make or place any mark or device on any folded ballot which has been handed in to the board of judges by any elector, with a view to ascertain the name of any person or persons for whom such elector shall have voted at any such election; or if any inspector, judge, or clerk, shall have fraudulently or illegally allowed any elector to vote at any election every such inspector, judge or clerk, so offending, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars.

Sec 44. If the secretary of the Territory, or any chairman, judge, board of judges, recorder or clerk of an election, or clerk of the district court, on whom any duty is imposed by this chapter, shall be guilty of any willful neglect of such duty, or of any fraudulent or corrupt conduct in the exercise of any such duty, he or they so offending shall, upon conviction thereof, be fined in any sum not exceeding two thousand dollars, to which may be added imprisonment in the county jail not exceeding one year.

Sec 45. It is hereby made the duty of the secretary of the Territory, after the expiration of forty days from and after such election for a delegate to Congress, to certify to the attorney-general any and all failures and omissions of the county recorder in his respective counties to comply with the provisions of this chapter in returning or certifying the returns of certificates of any such election to the office of the secretary of the Territory; and every such certificate of the secretary of the Territory, sealed with the territorial seal, shall be sufficient presumptive evidence of any such failure or omission herein specified on the part of the county recorder in any trial or indictment against him therefor.

Sec 46. It shall be the special duty of the attorney-general to present all violations of this chapter, which shall come to his knowledge, to the consideration of the proper grand jury.

Sec 47. The term of all officers elected under the provisions of this chapter shall expire on the last day of June in the year in which such term of office expires. And the term of all officers elected under such provisions, except delegates in Congress, shall commence on the first day of July next after the general election; but all vacancies filled at any such election shall commence and terminate according to the exigency of such vacancy.

Approved Nov. 10, 1864. Amendments Oct. 30, 1868.

AN ACT.

Allowing Persons in the Military service and upon Indian Campaigns to vote at Elections.

Be it enacted by the Legislative Assembly of the Territory of Arizona:

Sec 1. All legal voters, citizens of this Territory, in the military service of the United States or this Territory, or who may be engaged in any campaign against hostile Indians, shall have the right to vote at all elections, and for all officers for whom they could legally vote in their respective precincts, as provided by chapter twenty-four of the civil Code of this Territory, and shall not forfeit their residence by reason of an absence while engaged in such service or campaign.

Sec 2. At nine o'clock in the forenoon on the day of any election aforesaid, the legal voters aforesaid shall proceed to the judges and inspectors and immediately give public notice of the hour of such day, and the place when and where they will open the polls, and they shall appoint two clerks, and shall receive, canvass, and record the votes and conduct the election as nearly as may be in conformity with the provisions of the chapter aforesaid; and shall, in like manner, cause to be delivered, within ten days after such election, to the county recorder of the several counties in which such voters are legally entitled to vote (which name of county shall be either written or printed on each ballot), a tally list which shall contain the names of each person voted for; and the office for which each person was voted for; and a tally of the number of votes received by each shall be made opposite their respective names and the whole number of votes received by each person shall be expressed in writing and figures at the bottom of each tally list aforesaid, which shall be certified to be correct by the board, and with the votes cast for such county shall be transmitted under seal as aforesaid.

Sec 3. The judges of election aforesaid shall have power to cause the arrest of any person who may interfere, or in any way prevent any person legally entitled to vote, for casting such vote, or who may in any way interrupt the proceedings of such meeting, or who may commit any breach of the peace, and detain him in custody (but not deprive him of the right to vote if he be a legal voter) until complaint can be made against him by the proper officer, and cause him to be tried for the offense. Except as herein specified, the elections aforesaid shall be conducted as required by chapter twenty-four of the civil Code aforesaid.

Sec 4. This act shall take effect and be in force from and after its passage.

Approved Nov. 2, 1864.

THE FRANCHISE LAW.

The following is the law of Congress now in force.

An Act to regulate the elective franchise in the Territories of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

That from and after the passage of this act there shall be no denial of the elective franchise in any of the Territories of the United States now or hereafter to be organized, to any citizen thereof, on account of race, color or previous condition of servitude; and a laws or parts of acts, either of Congress or the Legislative Assemblies of said Territories inconsistent with the provisions of this act, are hereby declared null and void.